



SPOKANE POLICE DEPARTMENT



**Internal Affairs
Exemption Log**

Number	Material Withheld	Brief Explanation of Why Material Withheld	Legal / Statutory Basis
Witness Exemptions			
#1a	Name / Identity of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1b	Date of birth of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1c	Personal home, work or cell phone number of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1d	Residential address of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
#1e	E-mail address of witness who fears for his/her safety and wishes his/her identity not be disclosed	A witness has requested the protection of his or her identity and disclosure would endanger any person's life, physical safety, or property.	RCW 42.56.240(2) (Investigative, law enforcement, and crime victims)
Juvenile Information			
#2a	Names of Juveniles who are in the Juvenile court system	Redacted to protect the personal information of a juvenile in the court system. May not be released to the public except by court order.	RCW 13.50.050 (Juvenile Courts and Juvenile Offenders) and RCW 13.50.100 (4) (a) and (b) (Keeping and Release of Records by Juvenile Justice or Care Agencies). <i>Deer v. DSHS</i> , 122 Wn.App. 84, 94 (2004)

#2b	Records relating to commission of Juvenile offenses.	Redacted to protect the personal information of a juvenile in the court system. May not be released to the public except by court order.	RCW 13.50.050 (Juvenile Courts and Juvenile Offenders) and RCW 13.50.100 (4) (a) and (b) (Keeping and Release of Records by Juvenile Justice or Care Agencies). <i>Deer v. DSHS, 122 Wn.App. 84, 94 (2004)</i>
#2c	Child Victim of Sexual Assault	This redaction protects information revealing the identity (name, address, location, or photograph) of child victims of sexual assault who are under age eighteen.	RCW 42.56.240(5) (Investigative, law enforcement, and crime victims)
#2d	Child victims or child witnesses	Information re a child witness / victim is protected to assure the rights under law: to not have name, address, nor photograph disclosed by any law enforcement agency w/o permission of the child or parents/guardians.	RCW 42.56.240(5) (Investigative, law enforcement, and crime victims)
ACCESS Database Info			
#3a	Information from WACIC/NCIC (ACCESS): <u>Criminal history information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3b	Information from WACIC/NCIC (ACCESS): <u>License Plate Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3c	Information from WACIC/NCIC (ACCESS): <u>Vehicle Registered owner information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3d	Information from WACIC/NCIC (ACCESS): <u>Wanted persons information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3e	Information from WACIC/NCIC (ACCESS):	WACIC/NCIC/III - information from ACCESS restricted to law	28 USC § 534 For criminal justice purposes only.

	<u>Officer safety information</u>	enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3f	Information from WACIC/NCIC (ACCESS): <u>Gun information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3g	Information from WACIC/NCIC (ACCESS): <u>DOL Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3h	Information from WACIC/NCIC (ACCESS): <u>Stolen Vehicle Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3i	Information from WACIC/NCIC (ACCESS): <u>Missing Persons Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3j	Information from WACIC/NCIC (ACCESS): <u>Runaways or endangered persons</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
#3k	WACIC/NCIC (ACCESS): <u>DOC Information</u>	WACIC/NCIC/III - information from ACCESS restricted to law enforcement use pursuant to federal law. May not be disseminated except to criminal justice agencies; audited by the FBI and the WSP.	28 USC § 534 For criminal justice purposes only. 28 CFR 20.38 Access to FBI systems subject to cancellation for failure to comply with use provisions of part C.
Personal Identifiers and Financial Info			
#4a	Social Security Number	This information constitutes personal identifying information unique to the holder and which, if obtained by the	RCW 42.56.050 (Invasion of privacy), RCW 42.56.230 (Personal information),

		public could be abused or lead to identity theft.	42.56.250(3)(8) (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt), 42 USC § 405(c)(2)(viii)(I) (Limits on Use and Disclosure of Social Security Numbers)
#4b	Driver's License or Identicard	This information constitutes personal identifying information unique to the holder and which, if obtained by the public could be abused or lead to identity theft.	18 USC § 2721 (Prohibition On Release And Use Of Certain Personal Information From State Motor Vehicle Records); RCW 42.56.050 (Invasion of privacy), RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#4c	Credit/Debit Card Numbers	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4d	Electronic Check/Check Numbers	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4e	Card Expiration Dates	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4f	Bank Account Number	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
#4g	Financial Institution Account Number	Could be subject to identity theft. Disclosure has no legitimate public value and violates the individual's right to privacy.	RCW 42.56.230(5) (Personal Information), RCW 42.56.060 (Invasion of privacy)
Employees Files			
#5a	Photos of Spokane Police Department or other criminal justice employees	Photographs in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from disclosure for their safety and privacy.	RCW 42.56.250(8) (Employment and licensing)
#5b	Birthdates of criminal justice employees	Birthdates in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 are protected from	RCW 42.56.250(8) (Employment and licensing)

		disclosure for their safety and privacy.	
#5c	Personal Information in employee files	Personal information in files maintained for employees, appointees, or elected officials of any public agency is protected to the extent that disclosure would violate their right to privacy.	RCW 42.56.230(3) (Personal information), RCW 42.56.250(3) (Employment and licensing)
Criminal History			
#6a	Criminal history <u>not</u> from ACCESS- Non-Conviction Data	Criminal history which has not led to a conviction or other adverse disposition is protected by state law and only released to Criminal Justice Agencies for law enforcement purposes.	RCW 10.97 (Criminal Procedure)
Officer Safety or Intelligence			
#7a	Intelligence, sensitive security, or tactical information	Record includes sensitive intelligence, security or tactical information the non-disclosure of which is essential to effective law enforcement.	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)
#7b	Undercover Officer identification	Contains information which could reveal the identity of an undercover officer, who undertakes ongoing dangerous / confidential undertakings to effect law enforcement purposes. Protected to preserve the life and personal safety of officer and family.	RCW 42.56.240(1) Specific intelligence information the nondisclosure of which is essential to effective law enforcement.
#7c	ID Records revealing covert law enforcement activity	Any record pertaining to a vehicle license plate, driver's license, or identocard revealing the identity of an individual performing undercover law enforcement, confidential public health work, public assistance fraud, or child support investigative activity.	RCW 42.56.230(7)(c) (Personal Information)
#7d	Law Enforcement Information Sheet	Contains confidential data used for law enforcement purposes. Disclosure has no legitimate value to the public and can endanger an individual's safety. Contains specific intelligence information the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims)
#7e	Confidential Informant information	Contains identifying information which could reveal the identity of a confidential informant. Considered intelligence information, used in a confidential manner for law enforcement purposes, protected to preserve the life and personal safety	RCW 42.56.240(1) (Investigative, law enforcement, and crime victims). Ashley v. Public Disclosure <i>Comm'n</i> , 16 <i>Wn.App.</i> 830, 836 (1977).

		of the informant and family. Specific intelligence information compiled by law enforcement, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.	
Photos			
#8a	Photos showing a deceased person	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#8b	Photos showing highly sensitive material	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#8c	Photo Montages	Disclosure would violate a person's right to privacy, and be highly offensive to a reasonable person.	RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
Protected by Law			
#9	Medical Records	Medical records consist of confidential and privileged information highly personal and restricted. The disclosure of medical records is regulated by state and federal law and not public information. Right to Privacy: Disclosure would be highly offensive to a reasonable person.	RCW 42.56.360 (Health care), 70.02.005 (Findings) and HIPPA (45 CFR 164.502). RCW 42.56.050 (Invasion of privacy) RCW 42.56.230 (Personal information), 42.56.250 (Employment and licensing), 42.56.210(1) (Certain personal and other records exempt)
#10a	Jail records	This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as this information is only available to criminal justice agencies as defined in RCW 43.43.705.	RCW 70.48.100 (Jail register)
#10b	Jail booking photos	This redaction contains the records of a person confined in jail and is being protected pursuant to state law, as	RCW 70.48.100 (Jail register)

		this information is only available to criminal justice agencies as defined in RCW 43.43.705.	
#11	Autopsies, postmortems	Reports and records of autopsies or postmortems are confidential and exempt from public disclosure, but certain officials with authority to examine and obtain copies of such reports may access.	RCW 68.50.105 (Autopsies, postmortems – Reports and records confidential)
#12	Confidential Attorney Client Communications	This redaction protects confidential communications between an attorney and his/her client.	RCW 5.60.060(2)(a) (Privileged communications) <i>Hangartner v. Seattle</i> , 151 Wn.2d 439 (2004).
#13a	<u>Name/Identity</u> of accused police officers	This redaction protects the identities of officers/employee accused of sexual misconduct in Internal Affairs Investigations and Inquiries, if the findings are not Sustained. Police officers/employees have a right to privacy in their identities in connection with unsubstantiated allegations of sexual misconduct.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011). <i>Bellevue John Does</i> , 164 Wash 2d at 212, 189 P.3d 139.
#13b	<u>Date of birth</u> of accused police officers/employee.	This redaction protects the identities of accused officers/employees in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13c	<u>Personal work, home, or cell phone number</u> of accused police officers/employee.	This redaction protects the identities of accused officers/employee in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13d	<u>Residential address</u> of accused police officers/employee.	This redaction protects the identities of accused officers/employee in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#13e	<u>E-mail address</u> of accused police officers/employee.	This redaction protects the identities of accused officers/employee in Internal Affairs Investigations and Inquiries, if the findings are not Sustained.	<i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
#14	Information concerning Mental Health Services	This redaction contains confidential information concerning services to either voluntary or involuntary recipients of mental health services. Such information, if disclosed, would invade an individual's privacy and possibly cause unintended consequences for that individual.	RCW 71.05.390 (Confidential information and records)



Spokane Police Department Use Of Force Report

Incident Entered By: Sergeant Blaine Kakuda

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
3/29/2016	3/29/2016	19:29
Record ID #	Incident No	IA No
9252	16-110281	F16-023
Date/Time Entered		
3/30/2016 02:35		

Incident Summary

Officers pursued a bicyclist (possibly stolen). The male refused to stop for officers. Officer Hamilton used bodily force to get the male off of the bicycle.

*OnBase still does not have the corporal's photo-log.

In compliance with policy per Assistant Chief Meidl 05/09/16.

Incident Location

- 401 Riverpoint BLVD, Direction: N, Spokane, WA - : Downtown

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Fleeing (Felony)	Self Initiated	
Weather Condition	Lighting Condition	Distance to Citizen
Clear	Street Light	a-0-3 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
Yes	Yes	Yes
More than 1 Citizen Involved		
No		
Citizen's Build	Citizen's Height	
Medium	5'4" to 5'6"	
Officer Assessment of Citizen Condition During Incident		
None Detected		
Officer(s) Injured	Officer(s) Taken to Hospital	
No	No	

Reporting/Involved Citizen Information

Alvaro Guajardo

DOB: 3/11/1965 Race: Hispanic Gender: Male

Address

- transient, Spokane, WA

Phone

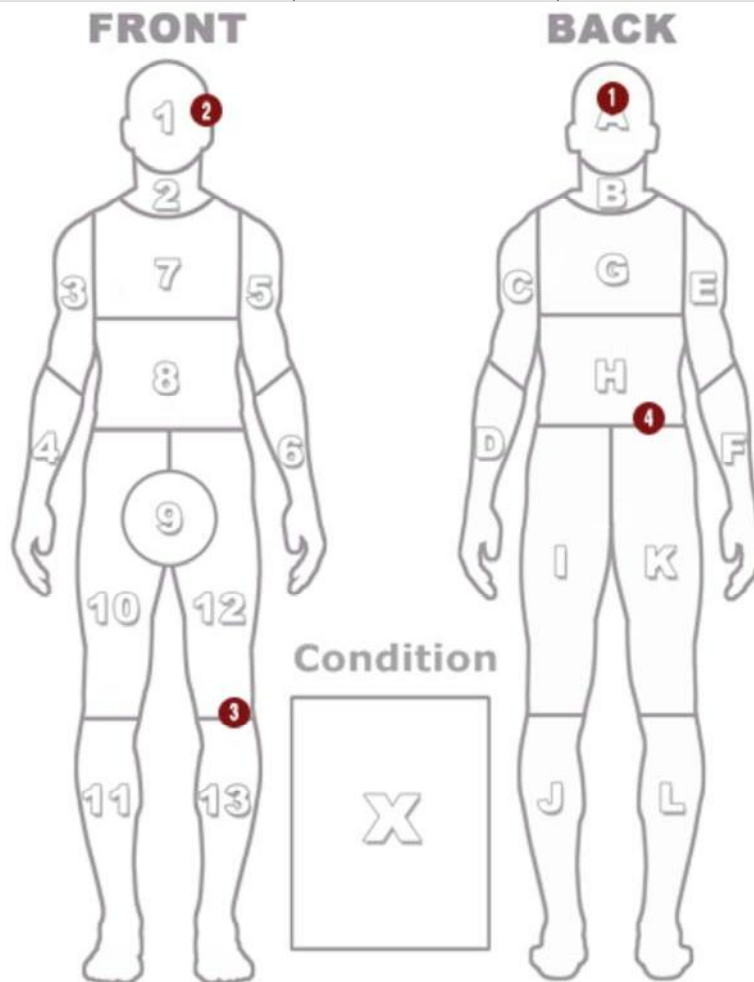
- (509) 879-1417

Types of Resistance Citizen Used Against Officer(s)

- Active Resistance

Injuries sustained by this citizen

Injury	Regions	Injury Locations
d-Injury Requiring ER	1, 12, A, H	1, 2, 3, 4



Charges against this citizen

- Warrant
- Obstructing

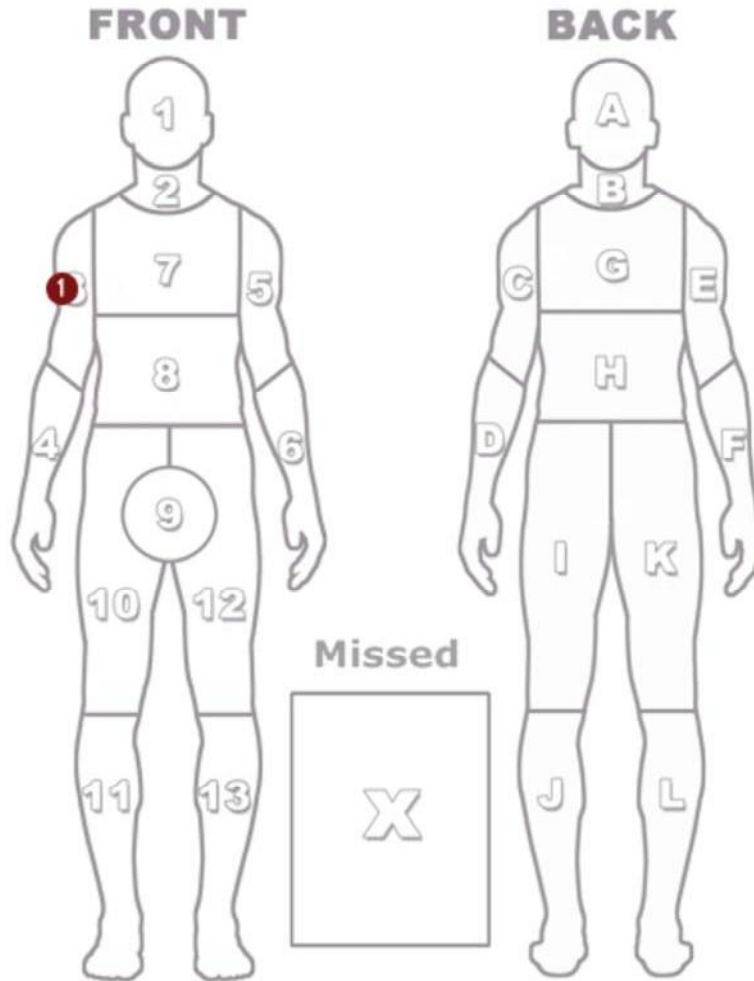
Involved Officers

Officer Craig Hamilton - Payroll Number: #5C

Force used by this officer against the citizen

- Body Weight/Manual Force - Was force effective: Yes

Force Used	Effective?	Regions	Points of contact
Body Weight/Manual Force	Yes	3	1



Officer Witnesses

Officer Julian Cedeno - Payroll Number: #5c

Officer Dale Harvey - Payroll Number: #5c

Officer Tiffany Iverson - Payroll Number: #5c

Officer Alexis Kester - Payroll Number: #5c

Attachments

Date Attached	Attachment Description	Attachment Type
3/30/2016	Officer Iverson's body camera	
3/30/2016	Officer Kester's body camera	
3/30/2016	Officer Kester's body camera	
3/30/2016	Officer Iverson's body camera	
3/30/2016	Officer Iverson's body camera	
3/30/2016	Officer Iverson's body camera	
3/30/2016	Officer Cedeno's body camera	
3/30/2016	Officer Hamilton's body camera footage	

4/1/2016	CAD	pdf
4/1/2016	Officer Cedeno's report	pdf
4/1/2016	CR card	pdf
4/1/2016	Harvey's report	pdf
4/1/2016	Iverson's report	pdf
4/1/2016	Kester's report	pdf
4/1/2016	obstructing and bicycle helmet citations	pdf
4/1/2016	Hamilton's report	pdf
4/2/2016	Sergeant Kakuda's use of force additional	doc
4/4/2016	IMG_0001	JPG
4/4/2016	IMG_0002	JPG
4/4/2016	IMG_0003	JPG
4/4/2016	IMG_0004	JPG
4/4/2016	IMG_0005	JPG
4/4/2016	IMG_0006	JPG
4/4/2016	IMG_0007	JPG
4/4/2016	IMG_0008	JPG
4/4/2016	IMG_0009	JPG
4/4/2016	IMG_0010	JPG
4/4/2016	IMG_0011	JPG
4/4/2016	IMG_0012	JPG

Chain of Command History

Sent Dt	From	To	CC	Approved
4/2/2016	Internal Affairs	Internal Affairs	Lieutenant Matthew Cowles	<input checked="" type="checkbox"/>
Sender's Instructions: I have reviewed this incident and believe that Officer Hamilton's use of force was reasonable and within policy. OnBase did not have the corporal's photo-log. IA please attach log.				
Recipient's Comments/Response: [Forwarded by Sergeant David Staben]				
4/4/2016	Sergeant David Staben	Lieutenant Matthew Cowles	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: UOF review				
Recipient's Comments/Response: In review of the attached documents relating to the use of force, two handed push' by Officer HamiltonL This use of force is within Policy. M. Cowles, 04/28/16				
4/28/2016	Lieutenant Matthew Cowles	Captain Keith Cummings	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: Captain, Attached is a use of force, 'two handed push', by officer Hamilton for your review. Please let me know if there are any questions. Very Respectfully, Matt				
Recipient's Comments/Response: Appropriate use of force and within policy given the circumstances facing Officer Hamilton at the time of contact.				
4/28/2016	Captain Keith Cummings	Asst Chief Craig Meidl	(none)	<input checked="" type="checkbox"/>
Sender's Instructions: For your review				
Recipient's Comments/Response: Use of force within policy.				

Entering Officer Signature Line

Sergeant Blaine Kakuda

Chain of Command Signature Lines

Sergeant David Staben

Lieutenant Matthew Cowles

Captain Keith Cummings

Asst Chief Craig Meidl



Spokane Police Department
Internal Affairs



Use of Force
Additional

Incident #: 16-110281

Date: 032916

Involved Officer(s) BWC Y/N: Officers Iverson, Kester, Ceden, and Hamilton have body camera footage. Officer Harvey is the only officer who wrote a report who does not have body camera footage.

Reviewing Supervisor: Sergeant Kakuda #443

INSTRUCTIONS: *Include any information below that is not already adequately covered in the Incident Report. For information already reported refer the reader to the applicable report.*

Incident Summary: Officers were chasing a bicyclist who they believed was riding a stolen bicycle. The bicyclist failed to stop for officers who then gave chase. Officer Hamilton eventually caught up with the bicyclist who was later identified as being Alvaro Guajardo DOB-031165. Officer Hamilton used bodily force to stop Guajardo as he kept attempting to avoid capture.

Officer (s) Interview Summary: I interviewed Officer Kester and Hamilton at Deaconess ER. Officers' interviews were consistent with their reports. Officer Hamilton added that he estimated the bicyclist's speed at contact to be around 5mph. I also reviewed all involved officers reports. All of their reports were inclusive.

Subject Interview Summary: ***It should be noted that this interview was not recorded on my body camera, due to SOP and HIPAA laws.** I responded to Deaconess ER to contact Guajardo. Guajardo was being medically treated. I did not note any signs of drug usage or AOB (alcohol on breath). Guajardo's paraphrased statement: Guajardo told me that he initially ran because he had earlier got into a physical confrontation at the STA Plaza with a male who he had knocked out (dispatch could not find any assault or similar call (s) at the STA Plaza). He believed that the male was chasing him. Guajardo admitted that he knew that officers were chasing him, and that he knew he had a warrant out for his arrest. He told me that he "panicked" and sped off on his bicycle. Guajardo stated he heard the officer tell him to "stop police," however, he fled on his bicycle. Guajardo apologized to me, explaining that he was glad to hear that no officers got hurt. He physically demonstrated to me how Officer Hamilton "tackled" him off his bicycle. He said that the officer wrapped his arms around his body, trapping both of his arms. Guajardo told me that he was going to face plant if he did not take evasive actions and quickly turned his body, causing him to land on his back instead of his face. Guajardo stated that he fell off of his bicycle, hearing a "popping" sound. He believed that the officer had hurt his

arm, and that he was going to “catch” further criminal charges. Guajardo added that he would have gotten away, but he had a bent tire, causing the bicycle to slow down. Guajardo requested that I apologize to the officer for him, adding that maybe the officer can get into shape. Guajardo stated his back hurts, but overall he only sustained a couple of “scratches, no big deal.”

Witness Interview Summary: N/A

Witness Officer Interview Summary BWC Y/N: Y

Any Relevant Clarifying Information and Observations: I was not able to observe the bicycle, nor the scene of the incident. None of the officers with body camera footage of this incident had it on prior to or during Officer Hamilton’s physical contact with Guajardo.

Sergeant Findings: Officer Hamilton used good overall decisions and reasonable force to stop Guajardo who he believed to be a fleeing felon.

Kakuda #443 Team 9
April 5th, 2016

Incident History for: #SP160110281 Xref: #SP160110307

Entered 03/29/16 19:29:09 BY PCC03 1123
Dispatched 03/29/16 19:29:09 BY PCC03 1123
Enroute 03/29/16 19:29:09
Onscene 03/29/16 19:29:09
Closed 03/30/16 00:29:52

Initial Type: BIKE Final Type: BIKE (BIKE STOP)
Initial Priority: 3 Final Priority: 3
Disposition: 1G Source: R Primary Unit: N47
Police BLK: SPD8RS
Group: P8 Beat: Map Page: 33
Loc: W SPRAGUE AV/N STEVENS ST ,SPK <400,000> (V)
Name: Addr: Phone:

/192909 (1123) \$OUTSRV ,NOT STOPPING
/192909 DISPOS N47 #1004 IVERSON, TIFFANY
#931 KESTER, ALEXIS
,NOT STOPPING
/192910 (973) *ASSTER C350 [SPR/STEVENS]
#973 DONALDSON, NATHAN
/192917 (1123) ASSTER D271 [SPR/STEVENS]
#1218 CEDENO, JULIAN
/192921 (713) *ASSTER K14 [SPR/STEVENS]
#713 HAMILTON, CRAIG
/192927 (1123) MISC N47 ,NOW WALL AND SPRAGUE
/192934 CHANGE LOC: SPR/STEVENS --> W SPRAGUE AV/N STEVENS S
T ,SPK,
BLK: --> SPD8RS
/193000 MISC N47 ,HE IS ON A BIG BLK BIKE. SMALL DARK SKINNED M
ALE. NOW EB ON RIVERSIDE
/193035 (973) *ONSCNE C350
/193035 (1123) MISC N47 ,HE HAS NOT COME OUT ON SPRAGUE YET.
/193046 MISC N47 ,AT RIVERSIDE/WALL.
/193104 (994) *ASSTER N46 [W SPRAGUE AV/N STEVENS ST ,SPK]
#994 BODE, CHRISTOPHER
/193240 (1123) MISC N47 ,BIKE IS ALL BLK, HAS BIG 29" TIRES ON IT. WAY
TOO BIG FOR THE MALE RIDING. HE WAS ABOUT 5'5
"
/193353 (994) *ONSCNE N46
/193502 (1218) *ONSCNE D271
/193849 (1123) MISC ,03/29/16 19:37:51 Message From: N47
/193849 MISC ,CAN YOU SEND THIS TO PEOPLE ON MY CALL PLEASE
: SUPPOSEDLY N/B ON WALL NEARRING SFB ABOUT 4
AGO, SO HE MAY HAVE CUT THROUGH THE PARK BY NO
W. I CAN'T FIND THE STOLEN BIKE INFO. WE HAD A
HELMET STOP ON HIM AND I'M BETTING THIS IS TH
/193849 MISC , STOLEN BIKE BUT NOT SURE. THANKS FOR CHECKIN
G ALL
/194043 (973) *CHGLOC C350 [CENT TRAIL]
/194116 (713) *ONSCNE K14
/194208 (1123) MISC N47 ,HAVE THE MALE AT SUMMIT AND LINC. HE IS COMIN
G DOWN OFF THE POST STREET BRIDGE. HE WILL BE
POPPING UP ON SPOKANE FALLS.
/194215 MISC K14 ,RIGHT BY ARENA
/194242 MISC N47 ,DONT HAVE EYES ON HIM NOW
/194304 MISC N47 ,HE IS WEARING JEAN SHORTS AND HAD A BACKPACK
ON

/194346		MISC	N47	, LAST SEEN AT POST GOING SB, RIGHT BY WASH WATER POWER
/194410	(1193)	*ASSTER	C354	[CENT TRAIL] #1193 LYNCH, BRANDON
/194414	(1272)	*ASSTER	D274	[CENT TRAIL] #1272 CLARK, MATTHEW
/194449	(1123)	MISC	N47	, BACKPACK WAS DARK, HAD A COUPLE DARK GREEN STRIPES ON THE BACK. LOOKS LIKE HE LOST HIS HAT, HAD A SHAVED HEAD.
/194517		MISC	N46	, HE IS COMING ACROSS THE WOODEN BRIDGE NOW. GOING BACK EB...TOWARDS INB
/194529		MISC	N46	, ON SOUTH SIDE OF RIVER, GOING UNDER WASH, STILL EB
/194605		MISC	N46	, HE IS IN THE BREEZEWAY NOW.
/194627		MISC	N46	, NEED SOMEONE UP ON DIV. HE IS SLOW ROLLIN EB
/194704		MISC	N46	, HE IS RIDING HARD TO DIV, EB NOW. COMING UP ON BRIDGE
/194716		MISC	N46	, HE IS TO THE BRIDGE NOW.
/194757	(1231)	*ASSTER	D273	[CENT TRAIL] #1231 LAIVA, JOSHUA
/194759	(1123)	MISC	D271	, HE HAS MADE IT PAST BRIDGE EB. HAVE HIM BEHIND RED LION
/194849		ASSTOS	N48	[W SPRAGUE AV/N STEVENS ST ,SPK] #1136 HARVEY, DALE
/194903		MISC	N48	, HAVE HIM DETAINED. BEHIND COURTYARD MARIOTT TO THE EAST
/195006	(1193)	*ONSCNE	C354	
/195131	(1123)	CALLBK	D271	T/PCC03 , FIRE FOR CONC/BREATHING MALE W/CUT TO BACK OF HEAD. FIRE ADV
/195152		REMINQ	N48	WANT, N48, , , , , , GARCIA, STEVE, , 1965, 03, 11, , , , , ,
/195213	(1231)	*PREMPT	D273	
/195246	(1123)	NEWLOC	D271	[401 N RIVERPOINT] , BEHIND COURTYARD MARIOTT
/195246		NEWLOC	N48	[401 N RIVERPOINT] , BEHIND COURTYARD MARIOTT
/195336	(1141)	MISC	D271	, FUCK YOU ON BACK OF HEAD
/195537		REMINQ	D271	WANT, D271, , , , , , GUAJARDO, ALVARO, , 1965, 03, 11, , , , ,
/195735		MISC	D271	, DOC CONF/SENT
/195739		MISC	D271	, IN CUST
/200056		CALLBK	N48	T/PCC03 , REQ A CORP FOR PICS
/200346	(1069)	\$CROSS		#SP160110307
/200901	(1004)	*REMINQ	N47	MWANT, , , , , , GUAJARDO, ALVARO, 1965, 03, 11, , , , , ,
/201003	(287)	*ASSTER	P301	[CENT TRAIL] #287 HAGER, BILL
/201222	(973)	*CLEAR	C350	, PSTAT/ASST PSTAT/VIDN
/201249	(1069)	\$CROSS		#SP160110307
/201249		DUP		#SP160110307
/201513	(1193)	*CLEAR	C354	, PSTAT/ASST
/202037	(287)	*ONSCNE	P301	
/202827	(1136)	*CHGLOC	N48	[PAPER]
/202829		*ONSCNE	N48	
/202910	(287)	*CHGLOC	P301	[DEAC]
/202959	(1272)	*ONSCNE	D274	
/203010		*CHGLOC	D274	[COPTDT]
/203138	(1004)	*CHGLOC	N47	[DEAC]

/203158 (994) *CLEAR N46 ,PSTAT/ASST
 /203333 (287) *ONSCNE P301
 /203413 (713) *CHGLOC K14 [DEAC]
 /203426 (1136) *CLEAR N48 ,PSTAT/ASST PSTAT/RPT PSTAT/VIDN
 /203526 (1272) *ONSCNE D274
 /203533 (443) *ASSTER L217 [DEAC]
 #443 KAKUDA, BLAINE
 /203616 (1218) *CLEAR D271 ,PSTAT/ASST PSTAT/VIDY PSTAT/RPT
 /203722 (1004) *ONSCNE N47
 /204041 (713) *ONSCNE K14
 /205119 (443) *ONSCNE L217
 /210803 (713) *CLEAR K14 ,PSTAT/ASST, PSTAT/RPT, PSTAT/VIDY OBSTUCT, DO
 C WARRANT
 /211930 (287) *MISC P301 ,TOOK PHOTOS OF THE BIKE AND OF DEFENDANTS ABR
 ASIONS
 /212129 *MISC P301 ,PHOTOS TRANFERED TO SERVER
 /212143 *CLEAR P301 ,8K PSTAT/ASST
 /212601 (443) *CHGLOC L217 [SIG 1]
 /212615 (287) *ASSTER P301 [DEAC]
 #287 HAGER, BILL
 /213020 *ONSCNE P301
 /213319 (1272) *CLEAR D274 ,PSTAT/ASST
 /214257 (287) *MISC P301 ,OTHER PICS TAKEN OF INJURY TO BACK OF HEAD
 /214319 *MISC P301 ,PHOTOS TRANSFERED TO SERVER
 /214335 *CLEAR P301 ,8K PSTAT/ASST
 /214850 (1004) *TRANS N47 [JAIL] M/0.0
 ,MALE
 /215255 (443) *ONSCNE L217
 /215333 (1004) *TRANSC N47 M/1.3
 /215827 *REMINQ N47 MWANT,,,,,,,,GUAJARDO,ALVARO,1965,03,11,,,,,,,,
 /223334 *CHGLOC N47 [PAPER DTP]
 /224109 *ONSCNE N47
 /224510 (443) *CLEAR L217 ,PSTAT/ASST PSTAT/VIDN NO VIDEO TAKEN DUE TO P
 OLICY/HIPAA LAWS
 /225720 (1069) OK N47
 *** New Date: 03/30/16 ***
 /000957 (1004) *CHGLOC N47 [1]
 /001605 *MISC N47 ,PSTAT/SI PSTAT/NONHAZ PSTAT/MISD
 /001607 *MISC N47 ,PSTAT/WAR
 /001616 *MISC N47 ,PSTAT/VIDY
 /002952 *CLEAR N47 DSP: 1G
 /002952 CLOSE N47

INCIDENT REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-110281	
INCIDENT TYPE Arrest		INCIDENT CLASSIFICATION #1 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #2 WARRANT ARREST		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	
		INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>	
RESPONDING TO (Officer Assault)				ASSIGNMENT (Officer Assault)	
REPORTED ON Tue 03/29/2016 19:29		DATE/TIME		OCCURRED ON Tue 03/29/2016 19:29	
				DATE/TIME Tue 03/29/2016 19:49	
DISPATCH TIME		ARRIVED TIME		EST. TOTAL PROPERTY LOSS	
		CLEARED TIME		REPORT DATE 03/29/2016	
				REPORT TIME 21:38	
PRIMARY CHARGE M-10.07.032 OBSTRUCTING					UCR/NIBRS CODE /
LOCATION OF INCIDENT Main/Howard, Spokane, wa				LOCATION NAME (IF APPLICABLE)	
SOLVABILITY FACTORS None, Suspect Arrested					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS Kester, Hamilton					
VICTIM/WITNESSES/OTHERS <small>S-Suspect, V-Victim - Individual, A-Arrested Person, VB-Victim - Business, M-Missing, MR-Person Mentioned, RO-Registered Owner, V-Deceased, PS-Passenger, PC-Pedestrian, POC-Pedestrian - Cyclist, O-Other, C-Complainant, IN-Institutional, G-Legal Guardian, D-Driver, W-Witness, CV-Complainant is Victim, CGN-Contact, RU-Runaway, OW-Owner of Property.</small>					
CODE A-1	NAME: LAST, FIRST, MIDDLE Guajardo, Alvaro			SEX M	RACE/ETHNICITY W-White
				DATE OF BIRTH/AGE 03/11/1965 51	
HEIGHT 5'05"	WEIGHT 165	BUILD Medium	HAIR Brown	EYES BRO - Brown	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP Transient, Spokane, wa			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES 879-1417					
CHARGE LEVEL Gross Misdemeanor		DESCRIPTION M-10.07.032 OBSTRUCTING			UCR/NCIC CODE
WARRANT #		BAIL		TYPE OF ARREST On-View of Arrest	MULTIPLE ARRESTEE SEGMENTS INDICATOR <input type="checkbox"/>
CITATION # N057151		DATE 03/29/2016	TIME 19:29	BOOKED WHERE Spokane County Jail	
				DATE 03/29/2016	TIME 21:53
ARREST LOCATION 401 N Riverpoing Blvd, Spokane, WA				STATEMENT <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN	CHARGES <input type="checkbox"/> ADMITTED <input type="checkbox"/> DENIED
				SUSPECT ARMED WITH	
JUV. PAR/GRD. Notified <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME/RELATIONSHIP OF PERSON NOTIFIED		DATE & TIME NOTIFIED	NOTIFIED BY	DISPOSITION OF JUVENILE
DRIVER'S LICENSE <input type="checkbox"/> FAKE	STATE	SOCIAL SECURITY NO. <input type="checkbox"/> FAKE	OTHER ID		
CLOTHING blue jacket, shorts					
HATE BIAS				CIRCUMSTANCES	

ID NO./NAME OF REPORTING OFFICER #1004 - Iverson, Tiffany		DISTRIBUTION	
APPROVAL		DATE/TIME	

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION OBSTRUCT OFFICER	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-110281
NARRATIVE		

On 032916 at approximately 1929 hours Officer Kester and I (riding together as a double unit) observed a male on Howard at Main beginning to cross W/B. The male was riding a mountain bike that had 29" style tires. These tires, "29ers", are not as commonly seen throughout the area of downtown where I work. I was also aware that a short time ago in roll call we had discussed a stolen mountain bike that was taken from downtown; black in color with, 29" tires (16-64844).

As the male on the bicycle completed crossing W/B on Main I pulled my patrol vehicle close to him (fully marked police car) and activated my emergency lights. At this time I heard Ofc. Kester tell the male to come speak to her. The male seemed to ignore her commands and she yelled out "police" and "stop." The male began peddling faster W/B.

The male suspect on the bike went in a Southern direction and once again I was able to catch up to him in my vehicle near Stevens/Sprague. At this time my emergency lights were activated as well as my siren, as I attempted to stop the male. Officer Kester also exited the car in an attempt to stop the male suspect. The male suspect then turned around, biking the wrong way on a one way with traffic going the opposite direction. It was at this time I lost sight of the male in the area.

Ofc. Kester and I advised radio of the attempted bike stop as well as the suspect description: dark skinned W/M, hat, blue jacket, black bike with "29er" tires. I also advised that there had recently been a stolen black mountain bike with 29" tires and I believed this could possibly be the stolen bicycle as the general description of the bike matched and the bicycle itself appeared large and cumbersome for the suspect rider, who appeared about 5'5", small in stature.

At this time I had probable cause for Obstructing as I attempted to stop the male for both a helmet infraction as well as investigation of the stolen bicycle. Once I had activated my lights (in a marked patrol car) and Ofc. Kester advised the suspect to stop, the suspect refused to stop and only continued on in an obvious effort to elude police.

Several officers arrived in the area checking for the male suspect. I was then alerted by a citizen that the suspect had fled N/B towards the park.

I checked N/B on Post street. At Post/Summit Ofc. Kester advised she observed the suspect in the area near Anthony's Restaraunt. I turned my patrol car around and observed the suspect, again riding on the bicycle though he was no longer wearing a hat and appeared to have on a different jacket.

I activated my overhead lights and siren and again attempted to stop the suspect. The suspect refused to stop and instead rode the bike down the roadway of Post Street bridge, as this is also a one way, the male was riding against traffic and there was oncoming traffic.

I advised other officers of the direction of travel to which the suspect was going.

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 3

INCIDENT CLASSIFICATION OBSTRUCT OFFICER	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-110281
--	---------------------------------------	-------------------------------------

A short time later Officers advised the suspect was biking E/B and was crossing past Division. I was then advised the male had been detained near Courtyard Marriot, 401 N. Riverpoint.

I arrived on scene and observed the suspect had been handcuffed. Medics were advised and enroute as the suspect appeared to have some injury.

I spoke to the suspect who had advised his name was Steven Garcia to both myself and other officers. It was only after a tattoo search we were able to properly identify the suspect as Alvaro Guajardo. Radio advised Guajardo had a valid DOC warrant.

I attempted to check the bicycle which Guajardo had but the serial number was not completely visible. The bike appeared to have been painted black and there was a visible purple underneath. The tires were 29", "fat" style tires. I was also unable to locate the bike theft case number regarding the stolen 29" tire bike at the time on scene.

I advised Guajardo he was under arrest and searched him incident to arrest. At this time AMR arrived on scene and transported him to Deaconess for a medical check of his injuries. Officer Kester rode in the ambulance with Guajardo.

At the hospital I read Miranda Rights which he stated he agreed/understood and would answer questions. See signed, pre-printed card. Ofc. Kester was a witness to this.

I asked Guajardo whose the bicycle belonged to and he stated it was his, that he'd bought the frame from a Japanese male for \$20 on the street months ago and that each tire cost him \$90, which he's had the tires for over a year. Guajardo stated the frame was a poor quality Walmart brand, purple/black primer, when he purchased the bike.

I asked Guajardo why he did not stop why I pulled up to him to stop him. He stated he'd gotten in a fight with some guys at the STA Plaza. Guajardo thought he was being followed by the males. Guajardo stated he heard someone to say stop and he saw police lights. Guajardo stated he didn't stop for us because he thought he was being followed by males and he knew he had a DOC warrant.

Guajardo stated he was able to bike away, eat a sandwich, change his jacket before police attempted to stop him again.

I asked if he heard the male officer tell him to stop. Guajardo stated "yeah."

I asked Guajardo why he didn't stop then, after the male officer told him to. Guajardo responded "I wanted to see him run."

INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 4

INCIDENT CLASSIFICATION OBSTRUCT OFFICER	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-110281
--	---------------------------------------	-------------------------------------

Guajardo was cleared from the hospital after being treated for minor abrasions.

Ofc. Kester and I transported Guajardo to Spokane County Jail where he was booked for Obstructing and DOC warrant.

I was able to locate the report of the stolen 29" mountain bike. #16-64844. The bike listed a serial number that did not match the partial serial number I was able to view on Guajardo's bike. I took the bike to Spokane County Jail in order to be released back to Guajardo.

See Ofc. Kester's and Ofc. Hamilton's additional.

Iverson 1004 N47

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. I WAS EQUIPPED WITH A BODY CAMERA, AND IT WAS ACTIVE DURING THIS INCIDENT.

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER	INCIDENT NUMBER 16-110281	
REPORT PURPOSE			REPORTED ON DATE Wed 03/30/2016	TIME 19:29
INCIDENT CLASSIFICATION #1 WARRANT ARREST		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 OBSTRUCT OFFICER	
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 03/30/2016	REPORT TIME 10:16
PRIMARY CHARGE				UCR/NIBRS CODE
NARRATIVE				

On 03/30/16 at approximately 1929 hours I was working uniformed patrol as a Spokane Police Officer.

I was wearing the uniform of the day, to include my duty belt and all necessary equipment. I was driving a one-man patrol car, painted black and white with Spokane police identifiers on the outside. The vehicle is also equipped with an over-head blue/red light bar, as well as a siren.

I was dispatched to back officer's in the Riverside Ave./Wall St. area who were attempting to stop a bicycle that was refusing to yield to their commands to stop.

The bicycle was described as bing:

HE IS ON A BIG BLK BIKE. SMALL DARK SKINNED MALE. NOW EB ON RIVERSIDE.

BIKE IS ALL BLK, HAS BIG 29" TIRES ON IT. WAY TOO BIG FOR THE MALE RIDING. HE WAS ABOUT 5'5"

Searching officer's lost sight of the suspect, but then were able to locate him again.

HE IS WEARING JEAN SHORTS AND HAD A BACKPACK ON
BACKPACK WAS DARK, HAD A COUPLE DARK GREEN STRIPES ON THE BACK. LOOKS LIKE HE LOST HIS HAT, HAD A SHAVED HEAD.

I was informed that the suspect was riding his bicycle SB on the wooden bridge, which was inside of riverfront park.

I was traveling EB in river front park, on the walkway, just west of the wooden bridge.

I saw no other bicycles riding through the park at this time of night and there was little to no foot traffic.

I arrived on the west side of the foot bridge under pass (walkway), where two citizens were sitting at a bench. I asked them if the had seen a male riding a bicycle EB. They indicated that he had just

ID NO./NAME OF REPORTING OFFICER #1218 - Cedeno, Julian		DISTRIBUTION
APPROVAL #244 - Lee, Thomas	DATE/TIME 03/30/2016 16:29	

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION WARRANT ARREST	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-110281
--	---------------------------------------	-------------------------------------

been there and was riding quickly EB.

At this time I drove under the overpass on the foot path and observed a male traveling EB on the walkway. The male matched the previously described male, riding a black bicycle with a shaved head, darker skin, and a light colored backpack on.

Based on the totality of the circumstances I determined this male to likely be the suspect that we had been attempting to locate.

I initiated my overhead lights flashing red/blue, and my siren. I observed the male turn his head slightly, as if to verify that I was really the police. The male then began pedaling faster and made no indicator of his intent to stop or slow down. The male then traveled SB through a grassy area near the Courtyard Marriot hotel.

At this time another officer (K14) was on foot, chasing the suspect. K14 was able to successfully take the suspect off of his bicycle. I then assisted K14 in the restraining and handcuffing the suspect.

After handcuffing (DL) and frisking the suspect for weapons, the suspect claimed he was:

WANT,N48,,,,,,GARCIA,STEVE,,1965,03,11,,,,,,

This name did not return to a person, which in my training and experience, is indicative of a person lying about their identity.

I observed there to be a small cut on the back of the suspect's head. I requested medics to the scene as soon as I observed this cut.

The suspect stated that he did not stop for the police because he thought he was being followed, but claims he did not know it was the police who were trying to stop him.

I then observed a tattoo on the back of the suspect's had that said "FUCK YOU". I requested a tattoo search with the suspect's physicals, which returned to:

WANT,D271,,,,,,GUAJARDO,ALVARO,,1965,03,11,,,

I confirmed Guajardo's identity using his SPRS photograph. At this time dispatch informed me that Guajardo was wanted for a Felony warrant. I had that warrant confirmed at that time.

I had my dept. issued body camera recording for most of this incident.

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION WARRANT ARREST	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-110281
--	---------------------------------------	-------------------------------------

No reportable use of force was delivered by me at any time during this incident.

Please see other officer's reports for further information.

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. I WAS EQUIPPED WITH A BODY CAMERA, AND IT WAS ACTIVE DURING THIS INCIDENT.

J. Cedeno #1218 / D271 / Team 5

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER	INCIDENT NUMBER 16-110281	
REPORT PURPOSE			REPORTED ON DATE Tue 03/29/2016	TIME 19:29
INCIDENT CLASSIFICATION #1 WARRANT ARREST		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2	
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 03/29/2016	REPORT TIME 20:18
PRIMARY CHARGE				UCR/NIBRS CODE
NARRATIVE				

On 3-29-16 at approximately 19:29 hours, I (Ofc. Harvey) responded to the area of Sprague/Stevens to assist Ofc. Iverson and Ofc. Kester with a bike stop. They advised a male on a bicycle was not stopping for them.

Upon my arrival in the area they had lost sight of the male. Several minutes later another officer observed him riding E/B on the trail through the park. He was followed to the area of the Courtyard Marriott, located at 401 N Riverpoint Blvd. The male rode to the east side of the hotel and then crossed from the trail into a parking lot. In order to apprehend the male I had to drive across the grassy area to the east of the hotel. The male was then apprehend in the parking lot.

I noticed there was a small amount of damage to the grass. It was unknown which property the grass belonged to, either the Marriott of the business complex on the east side.

See Ofc. Iverson's report for further details.

CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Officer D. Harvey #1136

ID NO./NAME OF REPORTING OFFICER #1136 - Harvey, Dale		DISTRIBUTION	
APPROVAL #329 - Teigen, Troy	DATE/TIME 03/29/2016 20:39		

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER	INCIDENT NUMBER 16-110281	
REPORT PURPOSE			REPORTED ON DATE Tue 03/29/2016	TIME 19:29
INCIDENT CLASSIFICATION #1 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 WARRANT ARREST	
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE 03/29/2016	REPORT TIME 23:08
PRIMARY CHARGE				UCR/NIBRS CODE
NARRATIVE				

On 3/29/16 at 1929 hours, Officer Iverson and I (double unit) were eastbound on Main and stopped at a light at Howard when we observed a white male on a black mountain bike on the southeast corner crossing westbound in the crosswalk. The wheels on the bike were very large and unusual. I remembered being given information in roll call in the last month of a stolen mountain bike with larger wheels (29" tires). The male on the bike was also shorter and appeared much too small for the size of the bike. The male also not wearing a helmet.

I stepped out of the passenger side of the fully marked police car (Officer Iverson activated the emergency lights) and as the male reached the west side of the street and was directly in front of me I told him to come over and talk to me. I was wearing a department issued jumpsuit at the time. He looked right at me and continued riding his bike westbound. I told him it was the police and he needed to stop. He continued westbound.

I got back inside the patrol car and we tried locating him around the block. He was purposefully avoiding us and as he saw us approach him with lights and sirens he would turn around and ride off the opposite direction and rode in the wrong lane of travel (against traffic) making it difficult to follow him.

At that time we had lost sight of him and were given information from a citizen that he went northbound on Wall so we decided to check Riverfront Park area. We had probable cause at this time for Obstructing.

As we were driving northbound on Post across the river at Broadway I saw the male ride out of a lot by Anthony's Restaurant (510 N Lincoln). He went southbound on Post in the roadway against traffic as a car was traveling northbound. We turned on our emergency lights and were right behind the male when he continued driving away from us. We were unable to follow him on Post due to oncoming traffic and it being a one way northbound only. We advised other units checking the area of this update.

We continued checking the area around Riverfront Park when several minutes later officers advised they located him and had him detained at 401 N Riverpoint. See Officer Hamilton's additional for more information.

ID NO./NAME OF REPORTING OFFICER #931 - Kester, Alexis		DISTRIBUTION
APPROVAL	DATE/TIME	

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION OBSTRUCT OFFICER	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER 16-110281
--	---------------------------------------	-------------------------------------

I contacted officers there and due to some injuries the male sustained he was transported to Deaconess by AMR for jail clearance. I rode with the male in the ambulance who had now been identified as, Alvaro Guajardo (3/11/65). He had an unrelated confirmed DOC felony warrant.

While at the hospital I was standing next to Officer Iverson and witnessed her read Guajardo his Miranda Rights from a department issued card at 2125 hours, which he waived and signed to answer her questions.

Once Guajardo was released from the hospital we transported him to the Spokane County jail where he was booked for his warrant as well as Obstructing on citation #N057151. He was also cited for not wearing a helmet on infraction #W040006.

See Officer Iverson's report for more information.

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. I WAS EQUIPPED WITH A BODY CAMERA, AND IT WAS ACTIVE DURING THIS INCIDENT.

A.Kester #931
SPD N43

SUPPLEMENTAL REPORT

Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION SPD		EVIDENCE NUMBER		INCIDENT NUMBER 16-110281	
REPORT PURPOSE			REPORTED ON DATE Tue 03/29/2016	TIME 19:29	INCIDENT XREF
INCIDENT CLASSIFICATION #1 OBSTRUCT OFFICER		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE 03/30/2016	REPORT TIME 00:56
PRIMARY CHARGE					UCR/NIBRS CODE
NARRATIVE					

On 03-29-16 at about 1929 hours, I heard Ofc. Iverson advise over the radio that her and Ofc. Kester were trying to stop a male on a bike that they believed was possibly stolen. However, the male suspect failed to stop when lawfully ordered to do so and he fled in the downtown area of Spokane. The male was spotted on the bike at different locations around Riverfront Park. Each time he failed to stop and continued to flee.

The description of the bike given was a 29" wheeled black mountain bike. This is significant because they are not as common and typically found on higher priced bikes. Apparently one had recently been stolen and Ofc. Iverson and Ofc. Kester were aware of it.

I responded to assist in locating the suspect. I was driving a fully marked "Spokane Police K9" SUV. I was wearing the uniform of the day and clearly identifiable as a police officer.

I as in the area of Riverfront Park when I heard officers advise the suspect was riding S/B (the wrong way) on Post near the Washington Water Power building. He was then seen riding through the park, still failing to stop. An officer advised the suspect was E/B on the Centennial trail on the south side of the river. I made it over to the east side of Division and pulled up next to the Centennial Trail just as the suspect was riding by me, E/B. He had a marked SPD patrol car right behind him with its overhead emergency lights activated. I jumped out of my marked car and yelled, "Police stop or my dog will bite you!" However, I had no intention of sending my dog but I was hoping he would give in and stop but he didn't. I then took off running after the suspect as he cut through some grass. I heard the siren of the patrol car behind us as I was gaining on the suspect.

I was able to catch up to him and chose to push the suspect off his bike for the following reasons:

CRIME:

The suspect was believed to be riding a possible stolen bike. There was probable cause to arrest the suspect for obstructing.

RESISTANCE:

The suspect was actively resisting arrest by fleeing on the bike.

THREAT:

ID NO./NAME OF REPORTING OFFICER #713 - Hamilton, Craig		DISTRIBUTION
APPROVAL	DATE/TIME	

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION
OBSTRUCT OFFICER

ATTEMPTED



INCIDENT NUMBER

16-110281

The suspect's identity was unknown and we were investigating a possible stolen property type crime. It was also unknown what other crimes he may have committed. His behavior was not normal and his actions led us to believe there was even more validity to this claim. The suspect had even removed the coat and hat he was originally spotted wearing. The suspect's actions were alarming and it was unknown what his intent was. The suspect posed a threat to the motoring public by fleeing through the heavily trafficked area of Spokane and even riding against traffic at one point.

After running down and catching up with the suspect, I felt it was a reasonable and lawful action to push him off the bike to stop him from fleeing any further.

When I got within reach and I was at a full sprint, I extended both of my arms and shoved him to his left side. The suspect was looking at me prior to this and still failed to stop, instead he continued to pedal with intent to get away. However, he fell off the bike but he was no longer in the grass. The suspect fell on pavement and the side of a curb. I quickly gained control of his left arm and another officer ran up and took control of the suspect's right arm. The suspect's arms were tense and he was not "giving up" easily but we were able to get him handcuffed without further incident.

I then noticed my body camera wasn't turned on because I had jumped out of the car and engaged him in a foot pursuit. It happened to quick to turn it on prior but after he was handcuffed I turned it on.

I noticed he had some blood on the back of his head. Medics were requested and they responded to tend to his minor injuries.

The suspect initially lied about his name but the tattoo that read, "FUCK YOU" on the back of his shaved head gave away his true identity. He was identified as Alvaro Guajardo. He had a confirmed felony DOC escape warrant.

When I asked Alvaro why he failed to stop for us, he told me he thought he was being chased. I told him he was, by the police.

The bike he was riding appeared to have been recently spray painted black over a purple. This was a Fat Tire 29" mountain bike but after getting a closer look it appeared to be a rather low end model. We did have information that a purple mountain bike was stolen in a garage burglary earlier in the day. It was unknown at the time of this report if the bike was stolen or was involved in the burglary at 1127 E. Broad.

Cpl. Hager took photographs of Guajardo's minor scrapes, which were on the back of his head and one of his knees.

I advised Sgt. Kakuda of the incident and use of force to stop the suspect.

SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

INCIDENT CLASSIFICATION
OBSTRUCT OFFICER

ATTEMPTED

INCIDENT NUMBER

16-110281

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Ofc. Craig Hamilton 713
K14

CRIMINAL TRAFFIC NON-TRAFFIC N 057151

IN THE DISTRICT MUNICIPAL COURT OF SPOKANE, COUNTY OF SPOKANE, 'WA032051J STATE OF WASHINGTON
 STATE OF WASHINGTON, PLAINTIFF VS. NAMED DEFENDANT
 COUNTY OF
 CITY/TOWN OF

L.E.A. ORI #: 16-110281

COURT ORI #:

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON

DRIVER LICENSE NO. [REDACTED] #4b STATE [REDACTED] EXPIRES [REDACTED] PHOTO I.D. MATCHED YES NO

NAME: LAST Guajardo FIRST Alvaro MIDDLE [REDACTED] COL/ICLP YES NO

ADDRESS transient IF NEW ADDRESS

CITY STATE ZIP CODE EMPLOYER LOCATION

DATE OF BIRTH 5-11-65 RACE W SEX M HEIGHT 5'5" WEIGHT 170 EYES BRO HAIR BRO

RESIDENTIAL PHONE NO. [REDACTED] CELL/PAGER NO. 509 879 1417 WORK PHONE NO. [REDACTED]

VIOLATION DATE MONTH 3 DAY 29 YEAR 16 TIME 1929 INTERPRETER NEEDED

ON OR ABOUT LANG: [REDACTED]

AT LOCATION Main / Howard M.P. [REDACTED] CITY/COUNTY OF [REDACTED]

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND

VEHICLE LICENSE NO. STATE EXPIRES VEH. YR. MAKE MODEL STYLE COLOR

TRAILER #1 LICENSE NO. STATE EXPIRES TR. YR. TRAILER #2 LICENSE NO. STATE EXPIRES TR. YR.

OWNER/COMPANY IF OTHER THAN DRIVER

ADDRESS CITY STATE ZIP CODE

ACCIDENT NO. YES NO BAC READING YES NO CMV YES NO 16+ YES NO HAZMAT YES NO EXEMPT YES NO FIRE VEHICLE LEA

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES

#1 VIOLATION/STATUTE CODE 10.07.032 DV
obstructing

#2 VIOLATION/STATUTE CODE DV

MANDATORY COURT APPEARANCE

APPEARANCE DATE WITHIN 15 DAYS MO. [REDACTED] DY. [REDACTED] YR. [REDACTED] TIME 1:30 A.M. RELATED # W 040000 DATE ISSUED 3/29/16

Served on Violator
 Sent to Court for Mailing
 Referred to Prosecutor
 Booked

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S)

OFFICER Kester # 931
 OFFICER Werson # 1004

COMPLAINT / CITATION

CRG	PLEA	CNG	FINDINGS	FINE	SUSPENDED	SUB-TOTAL	FIND/JUDG DATE
1	G NG		G NG D	\$	\$	\$	ABS. MLD TO OLY
2	G NG		G NG D	\$	\$	\$	TO SERVE
OTHER COSTS \$							WITH DAYS SUP.
RECOMMENDED NONEXTENSION OF SUSPENSION <input type="checkbox"/>				LICENSE SUR-RENDER DATE	TOTAL COSTS \$	CREDIT / TIME SVD	

N 057151

INFRACTION TRAFFIC NON-TRAFFIC **W 040006**

IN THE DISTRICT MUNICIPAL COURT OF SPOKANE, COUNTY OF SPOKANE, *WA032051J STATE OF WASHINGTON
 STATE OF WASHINGTON, PLAINTIFF VS. NAMED DEFENDANT
 COUNTY OF
 CITY/TOWN OF **10-110281**
 L.E.A. ORI# _____ COURT ORI# _____

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON

NAME: LAST **#b** FIRST _____ MIDDLE _____
 EXPIRES _____ PHOTO I.D. MATCHED YES NO
 COLICLIP YES NO
 ADDRESS **transient** IF NEW ADDRESS PASSENGER
 CITY _____ STATE _____ ZIP CODE _____ EMPLOYER _____ LOCATION _____
 DATE OF BIRTH **3-11-05** RACE **W** SEX **M** HEIGHT **5'5** WEIGHT **170** EYES **BRO** HAIR **BRO**
 RESIDENTIAL PHONE NO. _____ CELL/PAGER NO. **(509) 879-1417** WORK PHONE NO. _____
 VIOLATION DATE MONTH **3** DAY **29** YEAR **10** TIME **PM** INTERPRETER NEEDED
 ON OR ABOUT _____ 24 HOUR _____ LANG: _____
 AT LOCATION **Main / Howard** M.P. _____ CITY/COUNTY OF _____

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND

VEHICLE LICENSE NO. _____ STATE _____ EXPIRES _____ VEH. YR. _____ MAKE _____ MODEL _____ STYLE _____ COLOR _____
 TRAILER #1 LICENSE NO. _____ STATE _____ EXPIRES _____ TR. YR. _____ TRAILER #2 LICENSE NO. _____ STATE _____ EXPIRES _____ TR. YR. _____
 OWNER/COMPANY IF OTHER THAN DRIVER _____
 ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____
 ACCIDENT NO. _____ CMV YES NO 16+ YES NO HAZMAT YES NO EXEMPT FIRE LEA

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES

#1 VIOLATION/STATUTE CODE **10.17.030** VEHICLE SPEED _____ IN A _____ ZONE _____ SMD PACE AIRCRAFT
Bicycle - Helmet Required \$64
 #2 VIOLATION/STATUTE CODE _____
 #3 VIOLATION/STATUTE CODE _____
 PENALTY U.S. \$ **64**
 RELATED # **057151** DATE ISSUED **5/29/10**
 Served on Violator Sent to Court for Mailing Referred to Prosecutor
 I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S).
 OFFICER **Kester** # **931**
 OFFICER **Iverson** # **1004**

INFRACTION						
INF	RESPONSE	DISPOSITION	PENALTY	SUSPENDED	SUB-TOTAL	FIND/JUDG DATE
1	G NG	G NG D	\$	\$	\$	ABSTRACT MLD TO OLYMPIA
2	G NG	G NG D	\$	\$	\$	
3	G NG	G NG D	\$	\$	\$	
					TOTAL COSTS \$	

W 040006

OFFICER REPORT

On 3/29/10 while working downtown patrol I observed Guajardo riding his bicycle at Main and Howard without a helmet. He was riding on the roadway as well as on the sidewalks. He would not stop for us at that time but we later located him where he was arrested for obstructing and cited for no helmet. See report for more information

A. Kester #931

TRAFFIC LT <input checked="" type="radio"/> MEV HV		WEATHER <input checked="" type="radio"/> CL RN FG SN		STREET <input checked="" type="radio"/> D W I S		LIGHT D DWN <input checked="" type="radio"/> SK DK	
Officer's Report for Citation # <u>10-110281</u> The information contained on this citation is incorporated by reference into this report.							
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE							
Signature <u>[Signature]</u>		# <u>931</u>					
Date and Place <u>3/29/10 Spokane WA</u>							
WITNESS NAME (LAST, FIRST, M.I.)						PHONE	
ADDRESS				CITY		STATE	ZIP
WITNESS NAME (LAST, FIRST, M.I.)						PHONE	
ADDRESS				CITY		STATE	ZIP
INCIDENT NUMBER <u>10-110281</u>		RELATED CITATION/INFRACTION NUMBERS			APPROVING OFFICER/NO <u>Kester 931</u>		



Spokane Police Department

Speed Measuring Device (SMD) Radar/Laser Report Form

DATE REPORTED				REPORT NUMBER	NOI / C NUMBER	
MONTH	DAY	YEAR	TIME	POSTED SPEED	SMD SPEED	DEFENDANT'S EST. SPEED
LOCATION OF OFFICER				MPH	MPH	MPH
LOCATION / DIRECTION OF DEFENDANT					DISTANCE FROM LASER DEVICE	
					FEET	

THE DEFENDANT'S VEHICLE WAS IN RANGE OF THE SMD AND -

- THE ONLY MOVING VEHICLE IN THE THE SMD OPERATING RANGE
- OUT FRONT & CLOSEST TO THE SMD
- VISUALLY APPEARED FASTER THAN THE OTHER TRAFFIC
- LASER SMD USED (*The Laser provides absolute targetability.*)

MADE SPEED MEASURING DEVICE USED IN -

- STATIONARY MODE APPROACHING
- MOVING MODE RECEDING

R A D A R	AUDIO EMITTED A CLEAR, HIGH PITCH SOUND	<input type="checkbox"/> YES	<input type="checkbox"/> NO
	RADAR CALIBRATION CHECKED BEFORE & AFTER CONTACT	<input type="checkbox"/> YES	<input type="checkbox"/> NO
	INTERNAL & TUNING FORK TEST WAS	<input type="checkbox"/> ACCEPTABLE	<input type="checkbox"/> NOT ACCEPTABLE
	TUNING FORK SERIAL NUMBERS	RADAR SERIAL NUMBER	
L A S E R	LASER LIGHT DISPLAY CHECK	LASER SERIAL NUMBER	
	<input type="checkbox"/> ACCEPTABLE <input type="checkbox"/> NOT ACCEPTABLE		
	LASER DISTANCE MEASURING AND INTERNAL COUNTING UNIT CHECKED BEFORE AND AFTER SHIFT	<input type="checkbox"/> ACCEPTABLE <input type="checkbox"/> NOT ACCEPTABLE	

TRAFFIC			WEATHER				STREET				LIGHT			
LT	MED	HV	CL	RN	FG	SN	D	W	I	S	D	DWN	DSK	DK
_____ playground/ school zone is clearly posted as a 20mph playground/school zone per RCW 46.61.440. It is fully posted with standard playground/school zone and speed limit signs. These signs are posted 300ft from the marked crosswalk in either direction for this playground/school zone.							I was _____ I saw defendant at _____ and clearly saw defendant was not wearing a seatbelt. The seatbelt was hanging loosely from the doorpost.							

I HAVE BEEN INSTRUCTED AND I AM QUALIFIED TO OPERATE THIS RADAR / LASER.
I CERTIFY (DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

OFFICER	PERS#	DATE	LOCATION
			SPOKANE, WA

SPD 2402 (07/2015)

WARNING OF CONSTITUTIONAL RIGHTS

Report # 16-110281

LANAJARDO ALVARO
Subject Name (Last, First Middle)

3-11-65
Subject DOB

FIERSON *1004
Officer/Deputy/Investigator

SPD
Agency

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. If you are under the age of 18, anything you say can be used against you in a juvenile court prosecution for a juvenile offense, or in a prosecution in adult court.
4. You have the right to talk to an attorney at this time, and before answering any questions.
5. You have the right to have your attorney present during the questioning.
6. If you cannot afford an attorney, one will be appointed for you without cost, before any questioning, if you so desire.
7. Do you understand these rights? yeah
8. With these rights in mind, do you want to answer my questions? yeah

Signed: [Signature] or Handcuffed?

Date: 3/25/16 Time: 2:25 Location: 500 W. 8th

107

0610

witness: A. Lester #931
